

SECTION 1: DEFINITIONS AND TERMS

1-01 DEFINITIONS. Whenever in these Standard Provisions, or in any documents or instruments where these Standard Provisions govern, the following terms or pronouns in place of them are used, the intent and meaning shall be interpreted as follows:

a. Acceptance. The approval by a majority of the City Council of the entire contract that has been completed in all respects in accordance with the contract documents and any modifications thereof previously approved.

b. Award. The acceptance by a majority of the City Council of a proposal.

c. Bidder. Any individual, firm, partnership, corporation, or combination thereof, submitting a proposal for the work contemplated, acting directly or through a duly authorized representative.

d. Bidder's Bond. Form of proposal guaranty accompanying the proposal submitted by the bidder.

e. City. The City of Mountain View, State of California, as created by law.

f. City Council. Council of the City of Mountain View.

g. City Manager. Chief administrative officer of the City.

h. Contract. The written agreement for construction services between the City and the contractor covering the performance of the work and the furnishing of labor, materials, tools and equipment in the completion of the work. The contract shall include the notice to bidders, instruction to bidders, provisions of the City of Mountain View affirmative action contract compliance program, workers' compensation certificate, the proposal, plans, these Standard Provisions, special provisions, standard specifications, contract bonds, certificates of insurance, insurance policies if required, and affirmative action compliance report; also any and all supplemental agreements amending or extending the work contemplated and that may be required to complete the work in a substantial and acceptable manner.

i. Contract Change Order. A written order to the contractor, covering changes in the plans or quantities, or both, within the scope of the contract, and establishing the basis of payment and time adjustments for the work affected by the changes.

j. Contract Documents. The contract documents shall be comprised of all items included in the contract and shall include, but not be limited to, the plans, special provisions, Standard Provisions, standard specifications and all supplemental agreements.

k. Contract Time. The number of working days or calendar days allowed for completion of the contract. If a calendar date of completion is shown in the proposal in lieu of a number of working or calendar days, the contract shall be completed by that date.

l. Contractor. The person or persons, firm, partnership, corporation or combination thereof, private or public, who has entered into a contract with the City, acting directly or through duly authorized representatives.

m. Department of Transportation. The Department of Transportation of the State of California, as created by law.

n. Easement. A burden or servitude upon land, whether or not attached to other land as an incident or appurtenance, that allows the holder of the burden or servitude to do acts upon the land.

o. Engineer. The City of Mountain View Public Works Director, acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties entrusted to them.

p. Highway, Street or Road. A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way.

q. Inspector. An authorized representative of the Engineer assigned to make necessary inspections of the work performed or being performed, or of the materials furnished or to be furnished by the contractor.

r. Joint Venture. A combination of individuals, corporations, partnerships or other joint ventures, each of which hold a current, active license in good standing.

s. Laboratory. The established laboratory of the City or other laboratories authorized by the City to test materials and work involved in the contract.

t. Legal Holidays. Those days designated as State holidays in the Government Code. (New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, as amended.)

u. Plans. The official project plans, standard details, profiles, typical cross-sections, general cross-sections, working drawings and supplemental drawings, or reproductions thereof, approved by the Engineer, which show the location, character, dimensions and detail of the work to be done, and which are to be considered as a part of the contract supplementary to these Standard Provisions.

v. Proposal. The offer of the bidder for the work when made out and submitted on the prescribed proposal form, properly signed and guaranteed.

w. Proposal Form. The approved form on which the City requires formal bids to be prepared and submitted for the work.

x. Proposal Guaranty. The cash, cashier's check or certified check, or bidder's bond accompanying the proposal submitted by the bidder, as a guaranty that the bidder will enter into a contract with the City for the construction or performance of the work, if it is awarded to him.

y. Public Works Director. The head of the Department of Public Works, also sometimes referred to as the "Director," acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them, also referred to as the "Engineer."

z. Right-of-Way. The whole right-of-way or area that is reserved for and secured for use in constructing the improvement and its appurtenances.

aa. Roadbed. That area between the intersection of the upper surface of the roadway and the side slopes or curb lines. The roadbed raises in elevation as each increment or layer of subbase, base, surfacing or pavement is placed. Where the medians are so wide as to include areas of undisturbed land, a divided roadway is considered as including two (2) separate roadbeds.

bb. Roadway. That portion of the right-of-way included between the outside lines of sidewalks, or curbs and gutters or side ditches, including also the appertaining structures, and all slopes, ditches, channels, waterways and other features necessary for proper drainage and protection.

cc. Special Provisions. The special provisions are specific clauses of the contract, supplemental to these Standard Provisions and setting forth conditions and requirements peculiar to the project under consideration and covering work or materials involved in the proposal and estimate and supplementary to these Standard Provisions.

dd. Standard Details. City of Mountain View standard details. The standard details are incorporated into and part of the Standard Provisions.

ee. Standard Provisions. The directions, provisions and requirements contained herein as supplemented by any special provisions and pertaining to the method and manner of performing the work or to the quantities and qualities of materials to be furnished under the contract.

ff. Standard Specifications. Whenever, the term "Standard Specifications" is used in these Standard Provisions, it shall mean the most recent revised edition of the Standard Specifications of the Department of Transportation of the State of California.

Whenever in the State of California Standard Specifications the following terms are used, they shall be understood to mean and refer to the following, insofar as they apply:

1. Department of Transportation. The Public Works Department of the City of Mountain View.

2. Director. The City Council or authorized representative of the City of Mountain View.

3. Engineer. The Public Works Director or authorized representative of the City of Mountain View.

4. Laboratory. The laboratory designated by the City to test materials and work involved in the contract.

5. City. The City of Mountain View.

gg. State. The State of California, acting through its authorized representatives.

hh. Subgrade. That portion of the roadbed, driveway and sidewalk surfaces that has been prepared, as specified, and upon which a layer of specified roadbed materials or base or surfacing or pavement is to be placed.

ii. Superintendent. The executive representative of the contractor present on the work at all times during progress who shall be authorized to receive and fulfill instructions from the Engineer, and who shall supervise and direct the construction.

jj. Supplemental Agreements. Supplemental agreements are written agreements executed by the contractor and by the City covering alterations, amendments or extensions to the contract, as hereinafter provided.

kk. Traveled Way. That portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

ll. Work. All the work specified, indicated, shown or contemplated in the contract to construct the improvement, including all alterations, amendments or extensions thereto made by contract change order or other written orders of the Engineer.

1-02 ABBREVIATIONS.

a. AASHTO. American Association of State Highway and Transportation Officials.

b. ACI. American Concrete Institute.

c. AIA. American Institute of Architects.

d. AISC. American Institute of Steel Construction.

e. ISI. American Iron and Steel Institute.

f. ANSI. American National Standards Institute.

g. ASTM. American Society for Testing and Materials.

h. AWG. American Wire Gauge.

i. AWS. American Welding Society.

j. AWWA. American Water Works Association.

k. IEEE. Institute of Electrical and Electronic Engineers.

l. IES. Illuminating Engineers Society.

m. NEC. National Electrical Code.

n. NEMA. National Electrical Manufacturers Association.

o. PCA. Portland Cement Association.

p. OSHA. Occupational Safety and Health Act.

- q. CAL/OSHA. California Occupational Safety and Health Act.
- r. Test Method No. California (). California Department of Transportation Test Method No. ().
- s. UL. Underwriters' Laboratories, Inc.